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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,544	06/29/2000	Colin S. Cole	3797.86783	8016

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EXAMINER	~
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WINTERS, MAREISHA N

ART UNIT	PAPER NUMBER
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2153

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DATE MAILED: 05/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/605,544	COLE ET AL.
	Examiner Mareisha N. Winters	Art Unit 2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 30 April 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- 4) Claim(s) 1-10 and 12-22 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
  - 5) Claim(s) \_\_\_\_\_ is/are allowed.
  - 6) Claim(s) 1-10 and 12-22 is/are rejected.
  - 7) Claim(s) \_\_\_\_\_ is/are objected to.
  - 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on 30 April 2003 is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    - 1) Certified copies of the priority documents have been received.
    - 2) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Response to Amendment*

1. This office action is in response to the amendment filed on April 30, 2003.
2. Claim 11 has been canceled. Claims 2, 12, 13 and 15 have been amended.
3. Claims 1-10 and 12-22 remain pending in the application.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6, 9, 10 and 12-22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,446,110 to Lection et al. (hereinafter “Lection et al.”).

In considering claim 1, Lection et al. discloses a method for exchanging data between a source location and a destination location (see column 2, lines 34-35) comprising:

generating a data file with a markup language in accordance with a predetermined schema (see column 6, lines 34-35);

generating a first software envelope containing the data file (see column 6, lines 13-15;

Note that here “datastream” is the software envelope.);

transmitting the software envelope to the destination location (see column 6, lines 15-16 and Fig. 4, “416”); and

creating an object from the data file with a plug-in object corresponding to the predetermined schema (see column 7, lines 5-6).

In considering claim 2, Lection et al. further discloses automatically generating a second software envelope from the information contained in the first software envelope (see column 6, lines 49-50 and Fig. 4, "416").

In considering claim 3, Lection et al. further discloses:

wherein the first software envelope contains destination and source address information (see Fig. 4, "410" and "416"; Note that in order transmit and receive the datastreams they must contain destination and source address information); and

wherein the step of automatically generating a second envelope includes generating a second envelope having a destination address matching the source address of the first envelope (see Fig. 4, "410" and "416"; Note that the double arrows show that the datastreams are going in both directions between the source and destination and therefore the second envelope will have a destination address matching the source address of the first envelope.).

In considering claim 4, Lection et al. further discloses:

wherein the first software envelope contains state information (see column 9, lines 16-18); and

wherein the step of automatically generating a second envelope includes generating a second envelope having a destination address determined by the state information (see column 9, line 19 ("host port number")).

In considering claim 5, Lection et al. further discloses wherein the markup language comprises extensible markup language (XML) (see column 6, lines 34-35).

In considering claim 6, Lection et al. further discloses wherein the markup language comprises standard generalized markup language (SGML) (see column 5, lines 61-64).

In considering claim 9, Lection et al. further discloses wherein the step of transmitting comprises transmitting the software envelope via an intermediate server (see Fig. 4, "Mid-tier Server").

In considering claim 10, Lection et al. further discloses a computer-readable medium having computer-executable instructions for performing the steps recited in claim 1 (Note that it is inherent that in order to perform the method steps there must be a computer-readable medium with computer-executable instructions.).

In considering claim 12, Lection et al. discloses a computer-readable medium having stored thereon a data structure comprising:

a data field containing address information (see column 9, line 19 ("host port number"));

a data field containing the identification of a predetermined schema (see column 9, lines 4-6);

a data field containing a data file formatted with a markup language in accordance with the schema (see column 9, lines 7-9); and

a data field containing manifest information corresponding to the information contained in the data file data field (see column 9, lines 7-9 and 22-30).

In considering claim 13, Lection et al. further discloses a data field containing state information (see column 9, lines 16-18).

In considering claim 14, Lection et al. further discloses wherein the state information contains address information (see column 9, line 19 ("host port number")).

In considering claim 15, Lection et al. further discloses wherein the address information contains an address for replying to a message (see Fig. 4; Note that the double arrows show that the datastreams are going in both directions between the source and destination and therefore the address information must contain an address for replying to the datastream message in order for it to be transmitted back to the host.).

In considering claim 16, Lection et al. discloses a method for creating data at a source location to transmit to a destination location, comprising the steps of:

generating a data file with a markup language in accordance with a predetermined schema (see column 6, lines 34-35);  
identifying a plug-in object that creates an object from the data file (see column 7, lines 5-6);  
generating a software envelope containing the data file (see column 6, lines 13-15); and  
transmitting the software envelope to the destination location (see column 6, lines 15-16).

In considering claim 17, Lection et al. further discloses wherein generating a software envelope containing the data file and the plug-in object (see column 7, lines 33-36).

In considering claim 18, Lection et al. further discloses wherein the markup language comprises extensible markup language (XML) (see column 6, lines 34-35).

In considering claim 19, Lection et al. further discloses wherein the markup language comprises standard generalized markup language (SGML) (see column 5, lines 61-64).

In considering claim 20, Lection et al. discloses a method for extracting data from a file transmitted from a source location, comprising the steps of:

receiving a software envelope containing a data file marked up with a markup language in accordance with a predetermined schema (see column 6, lines 49-50 and Fig. 4, "416"); and

creating an object from the data file with a plug-in object corresponding to the predetermined schema (see column 7, lines 5-6 and Fig. 4, "414").

In considering claim 21, Lection et al. discloses wherein the markup language comprises extensible markup language (XML) (see column 6, lines 34-35).

In considering claim 22, Lection et al. discloses wherein the markup language comprises standard generalized markup language (SGML) (see column 5, lines 61-64).

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lection et al.

Although the system disclosed by Lection et al. shows substantial features of the claimed invention, as discussed above, it fails to disclose wherein the step of transmitting comprises transmitting the software envelope via electronic mail or HTTP. Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by

Lection et al. A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Lection et al. by employing the well-known or conventional features of transmitting data via electronic mail or HTTP, in order to efficiently transfer the information on the network.

***Response to Arguments***

3. Applicant's arguments filed April 30, 2003 have been fully considered but they are not persuasive.

a. In considering Applicant's arguments regarding claim 1, "Lection fails to teach or suggest 'generating a first software envelope containing the data file,'" the Office respectfully disagrees. According to the Applicant's definition of an "envelope" referring to "...information that defines a delivery convention such as *one or more of* routing information, return routing information and state management information....", Lection discloses this feature. Applicant's attention is drawn to column 9, lines 14-20. Lection discloses transferring markup language data according to a Document/Data Type Definition (DTD) authored for the purpose of representing information in host datastreams. Hence, the datastream authored according to a DTD, which contains the data and "*one or more of* routing information, return routing information and state management information" (column 9, lines 14-20), is in fact the "envelope" and defined by the Applicant.

b. In considering Applicant's arguments regarding claim 12 that Lection fails to teach the feature of "a data field containing manifest information corresponding to the information contained in the data file data field," the Office respectfully disagrees.

According to the Applicant's definition of "manifest information" Lection discloses this feature. Applicant's attention is drawn to column 9, lines 22-30. Lection teaches that the datastreams authored according to a DTD contain contents and attributes for the data (host screen image), in which the content describes the detailed information about the host screen fields including text content and text attributes. This is considered to be a description of the document (host screen image), which is how the manifest information is defined according to the applicant (see page 13 of the amendment lines 3-5).

Therefore, Lection teaches the limitations of claim 12.

*Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mareisha N. Winters whose telephone number is (703) 305-7838. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for official communications, (703) 746-7240 for non-official communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Mareisha N. Winters *MNW*  
Patent Examiner  
Art Unit 2153  
May 20, 2003



GLENTON B. BURGESS  
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